

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2007-368-S - ORDER NO. 2007-869  
DECEMBER 11, 2007

IN RE: Application for Approval of the Transfer of     ) ORDER  
Shoals Sewer Company to Jacabb Utilities,     ) APPROVING  
LLC     ) TRANSFER

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application for approval of the transfer of Shoals Sewer Company (Shoals) to Jacabb Utilities, LLC (Jacabb). Shoals provides sewerage collection and treatment services to The Shoals and Anchor Point in Anderson County, South Carolina. Shoals of Anderson, Inc., the owner of Shoals, and Jacabb entered into an agreement on September 29, 2007 regarding the sale and transfer of properties, assets, and rights of the Shoals wastewater treatment facility.

A Notice of Filing was published in newspapers of general circulation in the Shoals service area. No protests or Petitions to Intervene were filed. The Office of Regulatory Staff (ORS) does not object to the proposed transfer.

Jacabb has presented us with the Purchase Agreement signed by representatives of the parties and requests that we proceed without a hearing in this matter. We would note that Jacabb is an established provider of wastewater services in South Carolina. We will proceed to review the matter without a hearing, since there is no opposition to the relief sought. Further, DHEC supports the transaction.

26 S.C. Code Ann. Regs. 103-504 (May 25, 2007) states that the transfer of a wastewater utility requires the issuance of a certificate from this Commission that the transfer of the utility is in the public interest. Further, the regulation states that such a certificate shall be granted only after certain information is provided to this Commission and provided to ORS, and after notice has been given to the Department of Health and Environmental Control (DHEC) and other interested wastewater utilities, and to the public, and after due hearing. We find that the parties have complied with the terms of the regulation. First, the appropriate information has been provided to both this Commission and to ORS, and proper notice has been given to DHEC and to the public. We do not believe that there are any interested wastewater utilities that should have been provided with the requisite notice. We hold that the “due hearing” in this matter was the Commission agenda session in which this matter was presented to the Commission for disposition. The members of this Commission had an opportunity to make any inquiries were deemed appropriate at that time.

Further, we have no difficulty in issuing a certificate that the transfer of the Shoals system is in the public interest. DHEC has indicated it supports this transaction as an environmentally sound action. Jacabb Utilities, LLC is an established wastewater utility, and is located near the Shoals service area. We believe that Jacabb is capable of serving the present Shoals customers. We note that Jacabb requests that the current rates approved by the Commission for Shoals be transferred to Jacabb.

Accordingly, we hereby grant the requisite certificate that the transfer is in the public interest, and we approve the agreement between the parties and the transfer of

Shoals Sewer Company to Jacabb Utilities, LLC. Further, we approve transfer of the current Shoals rates approved by the Commission in Appendix A to Order No. 2003-141 to Jacabb.

This Order shall remain in full force and effect until further Order of the Commission.

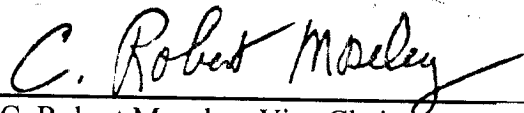
BY ORDER OF THE COMMISSION:



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G. O'Neal Hamilton, Chairman

ATTEST:



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C. Robert Moseley, Vice Chairman

(SEAL)